

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

In re FIRSTENERGY CORP. SECURITIES
LITIGATION

) No. 2:20-cv-03785-ALM-KAJ
)
) CLASS ACTION

This Document Relates To:

ALL ACTIONS

)
) Judge Algenon L. Marbley
) Magistrate Judge Kimberly A. Jolson
)
)

MFS Series Trust I, et al.,

Plaintiffs,

vs.

FirstEnergy Corp., et al.,

Defendants.

) Case No. 2:21-cv-05839-ALM-KAJ
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Brighthouse Funds Trust II – MFS Value
Portfolio, et al.,

Plaintiffs,

vs.

FirstEnergy Corp., et al.,

Defendants.

) Case No. 2:22-cv-00865-ALM-KAJ
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**FIRSTENERGY’S MOTION FOR CERTIFICATION OF AN
ORDER FOR INTERLOCUTORY APPEAL UNDER 28 U.S.C. § 1292(b)
AND FOR STAY PENDING APPELLATE REVIEW**

(ORAL ARGUMENT REQUESTED)

FirstEnergy respectfully moves this Court to (1) certify its Order filed May 6, 2024 (ECF No. 653) (“Order”) for interlocutory appeal under 28 U.S.C. § 1292(b), and (2) stay the Order pending a determination of this Motion and any further appellate proceedings related to the Order in the U.S. Court of Appeals for the Sixth Circuit.

The motion is based upon the accompanying memorandum of law in support thereof, and such other evidence and argument as the Court may consider. A Proposed Order granting FirstEnergy’s Motion is also attached.

STATEMENT REQUESTING ORAL ARGUMENT

Pursuant to Local Rule 7.1(b)(2), FirstEnergy respectfully requests oral argument on this Motion. FirstEnergy submits that, given the extraordinary nature of the Order, and the significant legal issues presented in this matter, oral argument may aid the Court’s consideration of this Motion.

Dated: May 22, 2024

Respectfully submitted,

/s/ Paul J. Schumacher

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CERTIFICATE OF SERVICE

I certify that the foregoing was filed electronically on May 22, 2024. Notice of this filing will be sent to all electronically registered parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/ Paul J. Schumacher

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